

# **EXHIBIT A**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,939	02/16/2000	Christopher R. Stephens	10079.0100	6632

7590 08/31/2009  
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 08/31/2009

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

09/504,939

Applicant(s)

STEPHENS ET AL.

Examiner

DANIEL S. FELTEN

Art Unit

3696

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 25 February 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

No reference characters accompany the drawings as required under 37 CFR 41.37(c)(1)(v).

/Daniel S Felten/  
Primary Examiner, Art Unit 3696

## **EXHIBIT B**

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 24 claims a consulting system [page 6, lines 2-3] which comprises a means for distributing artificial agents [page 5, lines 10-13 and lines 18-20; page 6, lines 20-25; page 39, lines 11-28; and page 40, lines 1-12] and an agent factory [page 16, lines 4-5; page 22, lines 22-25; page 23, lines 1-28; page 24, lines 1-5; and Figure 1, item 115] that monitors recommendations provided by a first artificial agent [page 16, lines 23-27] and comprises a management system [page 16, lines 11-12; and Figure 1, item 125] having a graphical user interface configured to display the recommendations [page 16, lines 11-12; Figure 1, item 130; and Figs. 5-11] and determine whether the first artificial agent is performing below a predetermined predictability value [page 26, lines 15-28; page 27, lines 1-25; and Figure 4] and when the first artificial agent is below the predetermined predictability value, the first artificial agent is retired [page 41, lines 7-10 and lines 26-30; and Figure 13, item 1330] and a second artificial agent is made available for distribution [page 39, lines 3-7].

Claim 25 claims the consulting system of claim 24, wherein the means for distributing is at least one of a diskette, a CD ROM and an electronic network [page 39, lines 22-28 and page 40, lines 1-12].

Claim 26 claims the consulting system of claim 24, wherein the artificial agents monitor their expected future performance using a predictability value [page 17, lines 14-17].

Claim 27 claims the consulting system of claim 26, wherein the predictability value is based on mutual-information-based reconstruction of a multivariate landscape [page 19, lines 3-5; and Figures 2 and 3].

Claim 28 claims the consulting system of claim 27, wherein a price time series of a financial instrument is used to generate the multivariate landscape [**page 32, lines 10-26**].

Claim 29 claims the consulting system of claim 24, wherein a curriculum vitae is associated with each artificial agent [**page 26, lines 15-28; page 27, lines 1-25; and Figure 4**].

Claim 30 claims the consulting system of claim 24, wherein distributing artificial agents is effected in accordance with a leasing service agreement [**page 39, lines 11-16**].

Independent Claim 31 claims a method of consulting using artificial agents [**page 6, lines 2-3 and Fig. 1, element 110**], comprising the steps of accepting a request to supply artificial agents [**page 28, lines 15-22**], creating the artificial agents [**page 22, lines 23-24**], distributing the artificial agents [**page 5, lines 10-13 and lines 18-20; page 16, lines 11-13; page 39, lines 11-28; and page 40, lines 1-12**], monitoring an expected future performance of the artificial agents that have been distributed [**page 17, lines 14-17**], and in response to performance of at least one artificial agent below a predetermined predictability value, creating new artificial agents and distributing the new artificial agents [**page 41, lines 7-10 and lines 26-30; and Figure 13, element 1330**].

Claim 32 claims the method of claim 31, wherein the expected future performance is monitored at a user location [**page 16, lines 15-17**].

Claim 33 claims the method of claim 31, wherein the request is one of a subscription and a leasing agreement [**page 39, lines 11-16**].

Claim 34 claims the method of claim 31, wherein each artificial agent provides a financial trading recommendation [**page 16, lines 23-27**].

Claim 35 claims the method of claim 34, wherein each artificial agent has a distinct trading strategy [**page 17, lines 22-23; and page 19, lines 22-24**].

Claim 36 claims the method of claim 31, wherein the step of distributing comprises transmitting data over an electronic network [**page 39, lines 22-28**].

Claim 37 claims the method of claim 36, wherein the electronic network is the Internet [**page 39, lines 22-28**].

Claim 38 claims the method of claim 31, wherein the expected future performance of an artificial agent is associated with a predictability of a decision making strategy [**page 19, lines 8-13**].

Claim 39 claims the method of claim 31, wherein at least one of the artificial agents has a strategy that is designed by a user [**page 19, lines 22-24; and page 40, lines 15-17**].

Independent Claim 46 claims a system for providing financial advice [**page 6, lines 2-3**], comprising artificial agents [**page 16, line 4**] created based, respectively, at least in part on different technical analysis templates being applied to historical price time series information [**page 19, lines 22-24**] and a management system [**page 16, lines 11-12; and Figure 1, item 125**], in communication with real time market data [**page 16, lines 17-20**], operable to (i) receive the artificial agents [**page 16, lines 11-13**], (ii) display characteristic information with respect to each received artificial agent [**page 26, lines 15-28; page 27, lines 1-25; and Figure 4**] and (iii) inform a user of a specific recommendation made by at least one of the artificial agents [**page 16, lines 23-27 and Fig. 1, element 110**].

Claim 47 claims the system of claim 46, wherein the management system is operable as a tool for at least one of an individual investor, an institutional investor, a fund manager and a market maker [**page 5, lines 1-4**].

Claim 48 claims the system of claim 46, wherein a predictability value is associated with each artificial agent [**page 8, lines 19-21; page 17, lines 11-17; page 26, lines 15-28; page 27, lines 1-25; and Figure 4**].

Claim 49 claims the system of claim 46, further comprising an automated trade clearing system in communication with the management system [**page 16, line 27; and Figure 1**].

Claim 50 claims the system of claim 46, wherein the specific recommendation is one of buy, sell and hold [**page 16, lines 23-27**].

Claim 51 claims the system of claim 46, wherein a price feedback indicator is associated with each artificial agent [**page 27, lines 7-8; page 30, lines 17-29; and page 31, lines 3-4**].



Claim 52 claims the system of claim 51, wherein the price feedback indicator is determined by querying the artificial agent as to how a recommendation would change in view of various price scenarios [**page 30, lines 20-29**].

Claim 53 claims the system of claim 51, wherein the price feedback indicator is represented by a symbol from the group consisting of +, -, >, < and n [**page 31, lines 3-4**].

Independent Claim 54 claims a system for providing financial advice [**page 6, lines 2-3**], comprising an artificial agent [**page 16, line 4 and Fig. 1, element 110**] created based at least in part on a technical analysis template applied to historical price time series information [**page 32, lines 10-26**] and a management system [**page 16, lines 11-12; and Figure 1, element 125**], in communication with real time market data [**page 16, lines 17-20**] and configured to display characteristic information with respect to the artificial agent and inform a user of a specific recommendation made by the artificial agent [**page 16, lines 11-12; and Figure 1, element 110**].

Claim 55 claims the system of claim 54, wherein a predictability value is associated with the artificial agent [**page 8, lines 19-21; page 17, lines 11-17; page 26, lines 15-28; page 27, lines 1-25; and Figure 4**].

Claim 56 claims the system of claim 54, wherein the artificial agent is self-monitoring [**page 17, lines 6-11**].

Claim 57 claims the system of claim 54, wherein a price feedback indicator is associated with the artificial agent [**page 27, lines 7-8; page 30, lines 17-29; and page 31, lines 3-4**].

Independent Claim 58 claims a method for providing financial advice [**page 6, lines 2-3**], comprising the steps of creating an artificial agent [**page 16, line 4 and Fig. 1, element 110**] based at least in part on a technical analysis template applied to historical price time series information of a financial instrument [**page 32, lines 10-26**], determining an expected future performance [**page 17, lines 14-17**] of the artificial agent based on a trading strategy associated with the artificial agent [**page 19, lines 22-24; and page 40, lines 15-17**], applying the trading strategy to the financial instrument [**page 19, lines 22-24; and page 40, lines 15-17**], and retiring the artificial agent when the expected future performance falls below a predetermined threshold [**page 41, lines 7-10 and lines 26-30; and Figure 13**].

Claim 59 claims the method of claim 58, wherein the expected future performance is based on a predictability value [**page 8, lines 19-21; page 17, lines 11-17; page 26, lines 15-28; page 27, lines 1-25; and Figure 4**].

Claim 60 claims the method of claim 58, wherein the artificial agent is self-monitoring [**page 17, lines 6-11**].

Claim 61 claims the method of claim 58, further comprising determining the artificial agent's price feedback indicator by presenting the agent with different hypotheses about the price of the financial instrument during a subsequent trading period, determining the artificial agent's recommendation for each of the different hypotheses and analyzing the resulting recommendations [**page 27, lines 7-8; page 30, lines 17-29; and page 31, lines 3-4**].

Claim 67 claims the system of claim 46, wherein a curriculum vitae is associated with each artificial agent [**page 26, lines 15-28; page 27, lines 1-25; and Figure 4**].

Claim 68 claims the system of claim 48, wherein the predictability value changes in view of real time market data [**page 16, lines 17-20**].

Claim 69 claims the system of claim 48, wherein the predictability value is based on mutual-information-based reconstruction of a multivariate landscape [**page 19, lines 3-5; and Figures 2 and 3**].

Claim 70 claims the system of claim 69, wherein a price series of a financial instrument is used to generate the multivariate landscape [**page 32, lines 10-26**].

Claim 71 claims the system of claim 46, wherein each artificial agent is self monitoring [**page 17, lines 6-11**].

Claim 72 claims the system of claim 46, wherein the artificial agents monitor their expected future performance using a predictability value [**page 8, lines 19-21; page 17, lines 11-17; page 26, lines 15-28; page 27, lines 1-25; and Figure 4**].

Claim 73 claims the system of claim 46, wherein each agent retires itself when its predictability falls below a predetermined threshold [**page 41, lines 7-10 and lines 26-30; and Figure 13**].

Claim 74 claims the system of claim 73, wherein retired agents are replaced by new agents from an agent factory [**page 41, lines 7-10 and lines 26-30; and Figure 13**].

Claim 75 claims the system of claim 46, wherein each artificial agent is pre-trained with a predetermined decision making strategy [**page 17, lines 22-27; page 26, lines 15-22; and Figure 4**].

Claim 76 claims the system of claim 46, wherein at least one of the agents has a strategy that is designed by the user [**page 19, lines 22-24; and page 40, lines 15-17**].

## **EXHIBIT C**

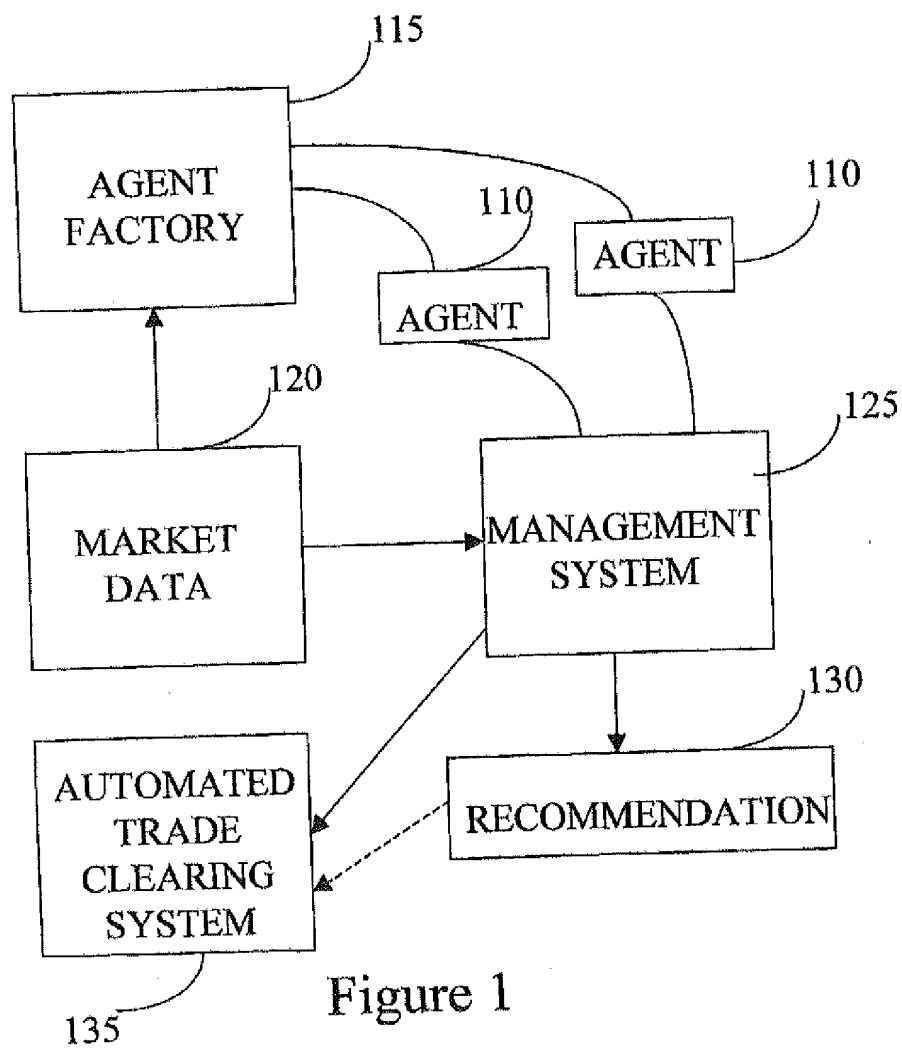


Figure 1

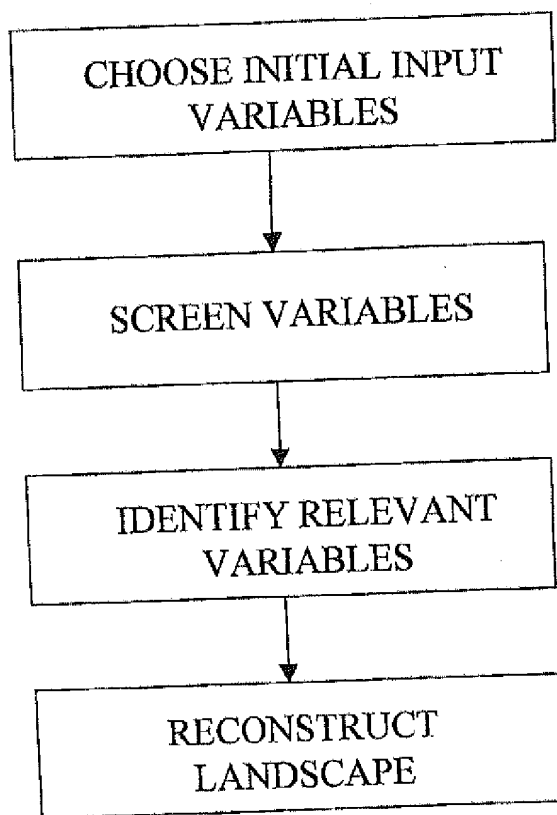


FIGURE 2

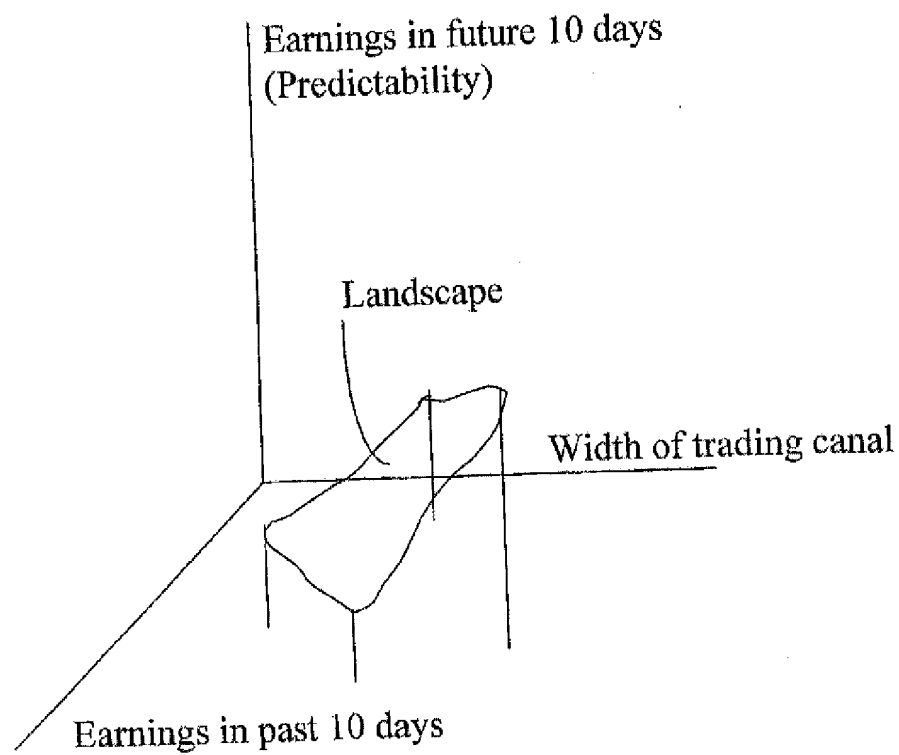


FIGURE 3

009120-5600560

CURRICULUM VITAE	
Name: <b>TELMEXL-66</b>	
Instrument traded: <b>TELMEX L</b>	
Template: <b>Time Delays</b>	
Time scale: <b>2 to 3 weeks</b>	PF: <b>+</b>
Neural net: <b>Forest Fire<sup>+</sup></b>	
<b>Training performance:</b>	
Graduation date: <b>28/10/1999</b>	
% Correct decisions: <b>54.84%</b>	CD/ID: <b>17/31</b>
Profit/10 days: <b>2.28%</b>	Aggressiveness: <b>8.6</b>
Predictability: <b>1.08</b>	
<b>Performance up to present day:</b>	
Date: <b>19/01/2000, 17:28:43</b>	Recommendation: <b>Cancel pos</b>
% Correct decisions: <b>62.35%</b>	CD/ID: <b>53/85</b>
Profit/10 days: <b>6.41%</b>	
Predictability: <b>1.97</b>	
<b>Comments:</b>	
<div></div>	

FIGURE 4







ORDER BOOK

Ticker

Symbol	Order Type	Quantity	Price	Time	Order Type	Quantity	Price	Time	Order Type	Quantity	Price	Time
ACERLA *	BUY	336		10/12/1999	ACERLA -46			10/12/1999	ACERLA -47			10/12/1999
GFBO	SELL	353		10/12/1999	GFBO -87			10/12/1999	GFBO -93			10/12/1999
GMEXICO B	BUY	419		10/12/1999	GMEXICO-106			10/12/1999	GMEXICO-105			10/12/1999
ICA *	SELL	518		10/12/1999	ICA * -76			10/12/1999	ICA * -72			10/12/1999
VITRO A	BUY	16		10/12/1999	VITRO A-95			10/12/1999	VITRO A-93			10/12/1999
TVAZTCA CPO	BUY	467		10/12/1999	TVAZTCA-78			10/12/1999	TVAZTCA-93			10/12/1999
CIE B	BUY	3615		10/12/1999	CIE B -89			10/12/1999	CIE B -84			10/12/1999
CFNORTE O	SELL	1398		10/12/1999	CFNORTE-112			10/12/1999	CFNORTE-113			10/12/1999
GRUMA B	SELL	9		10/12/1999	GRUMA B-69			10/12/1999	GRUMA B-61			10/12/1999

Symbol	Order Type	Quantity	Price	Time	Symbol	Order Type	Quantity	Price	Time	Symbol	Order Type	Quantity	Price	Time
CIFRA V	BUY	173		19/11/1999	CIFRA V-100			10/12/1999	CIFRA V-98			10/12/1999	17.56	1.50
GFBO	BUY	396		08/12/1999	GFBO -87			10/12/1999	GFBO -93			10/12/1999	3.83	-3.28
TELECOM A1	BUY	829		08/12/1999	TELECOM-80			10/12/1999	TELECOM-83			10/12/1999	87.5	5.55
MASECA B	SELL	44		01/12/1999	MASECA -80			10/12/1999	MASECA -88			10/12/1999	4.3	2.27
ARA *	BUY	141		08/12/1999	ARA * -63			10/12/1999	ARA * -62			10/12/1999	142	0.71
CIE B	BUY	3215		26/11/1999	CIE B -86			10/12/1999	CIE B -84			10/12/1999	26.15	12.44
GRUMA B	SELL	9		08/12/1999	GRUMA B-67			10/12/1999	GRUMA B-68			10/12/1999	9	0.00
KIMBER A	BUY	367		08/12/1999	KIMBER -85			10/12/1999	KIMBER -82			10/12/1999	35.25	-3.99
ELEKTURA CPO	BUY	624		17/11/1999	ELEKTURA-65			10/12/1999	ELEKTURA-64			10/12/1999	7.74	2404

Save

FIGURE 7



Stock Manager

Symbol	High	Low	Open	Close	Volume	Market	Industry	Price	Change	Percent	Dividend	Yield				
SATIA A	HIGH					Manufacturing		1.46	-24.74	1.44	50.8	30.4	45	-0.04		
SIMEC B	LOW					Manufacturing		0.74	4.09	99.2	2.11	2.05	1096	0.18		
SORIANA B	HIGH					Retail		2.69	14.91	99.2	44.05	44.5	560	0.18		
TAMSA *	HIGH					Manufacturing		12.36	128.80	99.2	132	131.1	83	0.10		
TELECOM AI	HIGH					Comm. & Transport		2.41	20.55	99.2	36.31	4.20	84.9	16.54	0.12	
TELMEX A	MEDIUM					Comm. & Transport		2.62	14.66	99.2	51.3	49.55	28	0.18		
TELMEX L	HIGH					Comm. & Transport		2.82	14.78	99.2	51.3	49.55	28	0.18		
TELESA CPO	HIGH					Comm. & Transport		2.87	57.76	99.2	100.33	4.99	288	174	0.05	
TRIBASA *	MEDIUM					Construction		-5.90	14.63	99.2	-0.36	0.14	2.1	2.12	268	-0.40
TVAZTCA CPO	HIGH					Comm. & Transport		0.05	102.86	99.2	4.57	4.63	10.16	0.05	0.05	
VITRO A	HIGH					Manufacturing		2.97	23.55	99.2	5.40	0.68	16	15.92	31.6	0.13

Order: Select

TELMEX L-73	STAY LONG	+	2 to 3	100	778
TELMEX L-66	STAY LONG	+	2 to 3	100	694
TELMEX L-77	BUY	+	less than 1	58.06	3.17
TELMEX L-75	STAY LONG	+	2 to 3	55.2	7.99
TELMEX L-76	STAY LONG	+	6 to 7	73.69	7.31

Unselect	Select all	Reorder/undo	Original analysis
TELMEX L-77	700	REORDER	778
TELMEX L-66	175	REORDER	694
TELMEX L-77	89	REORDER	377
TELMEX L-75	404	REORDER	799
TELMEX L-76	006	REORDER	731

FIGURE 9

TELMEXL TELMEXL TELMEXL

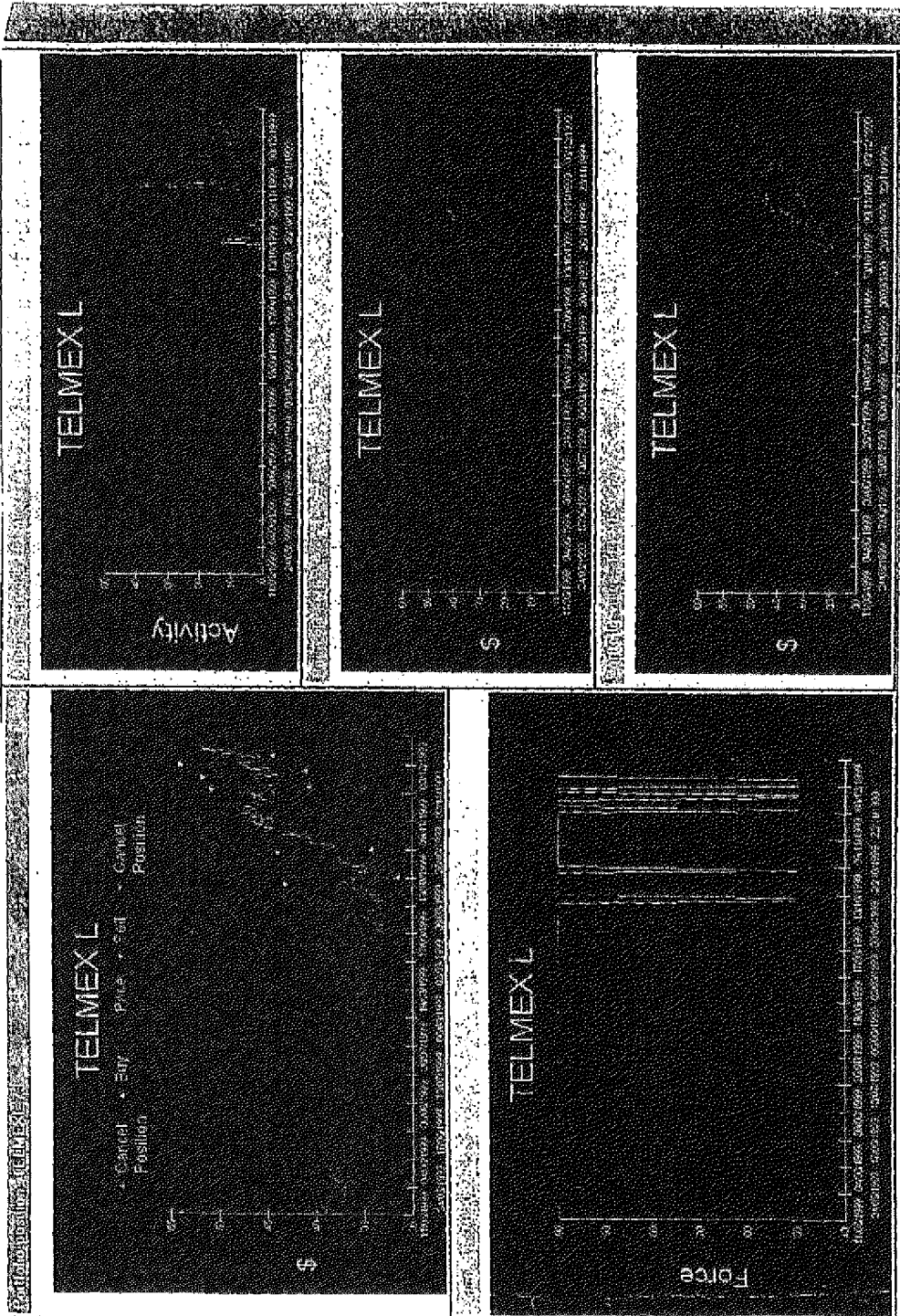


FIGURE 10

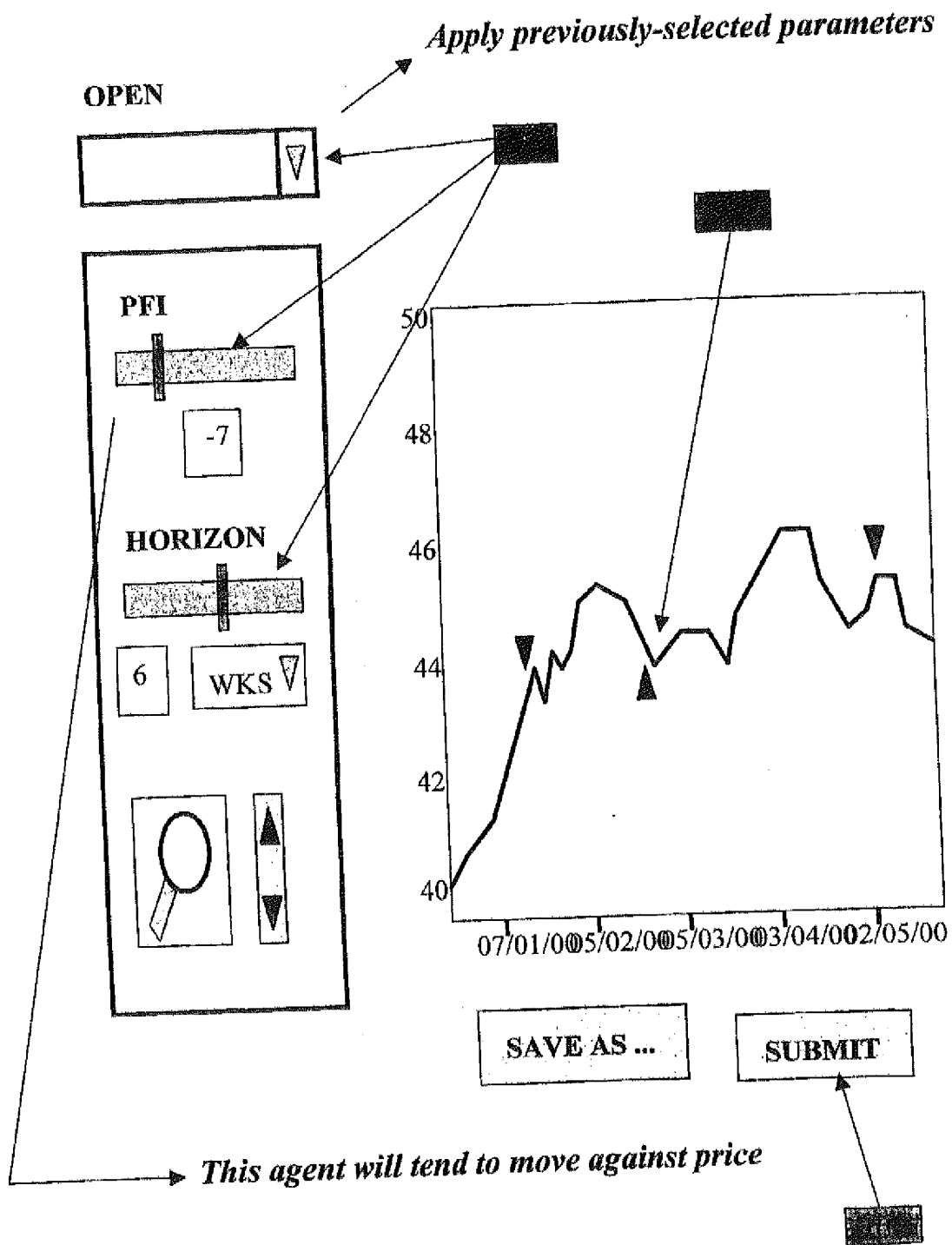


FIGURE 11

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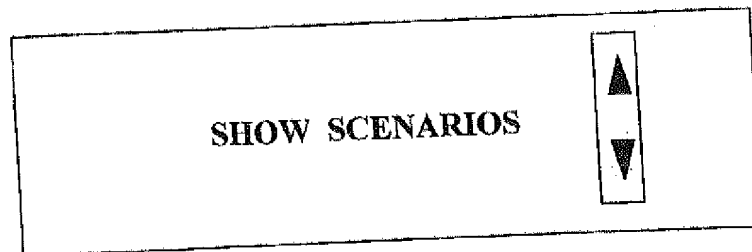
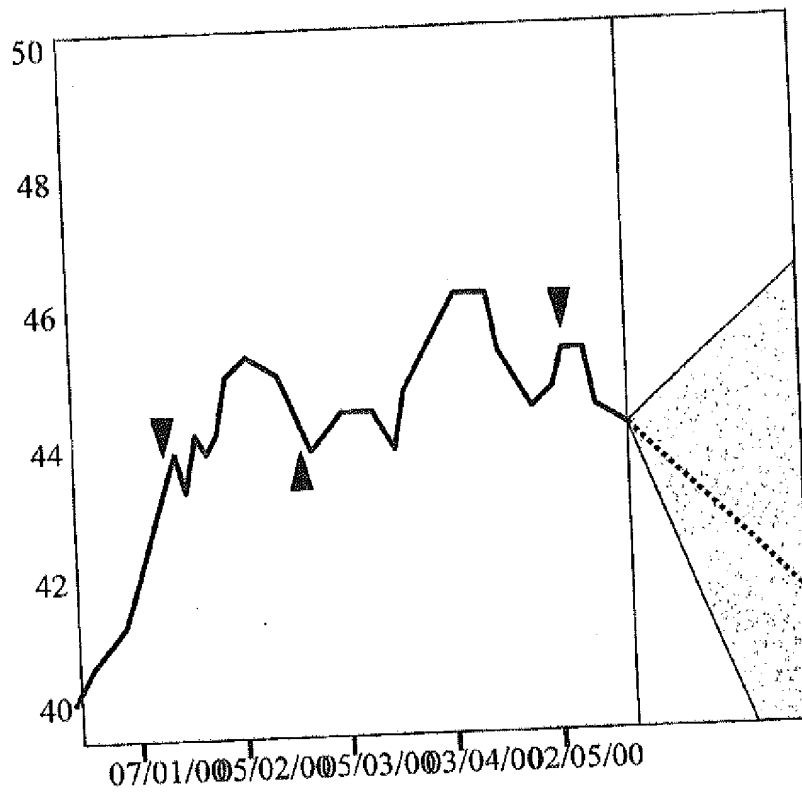


FIGURE 12



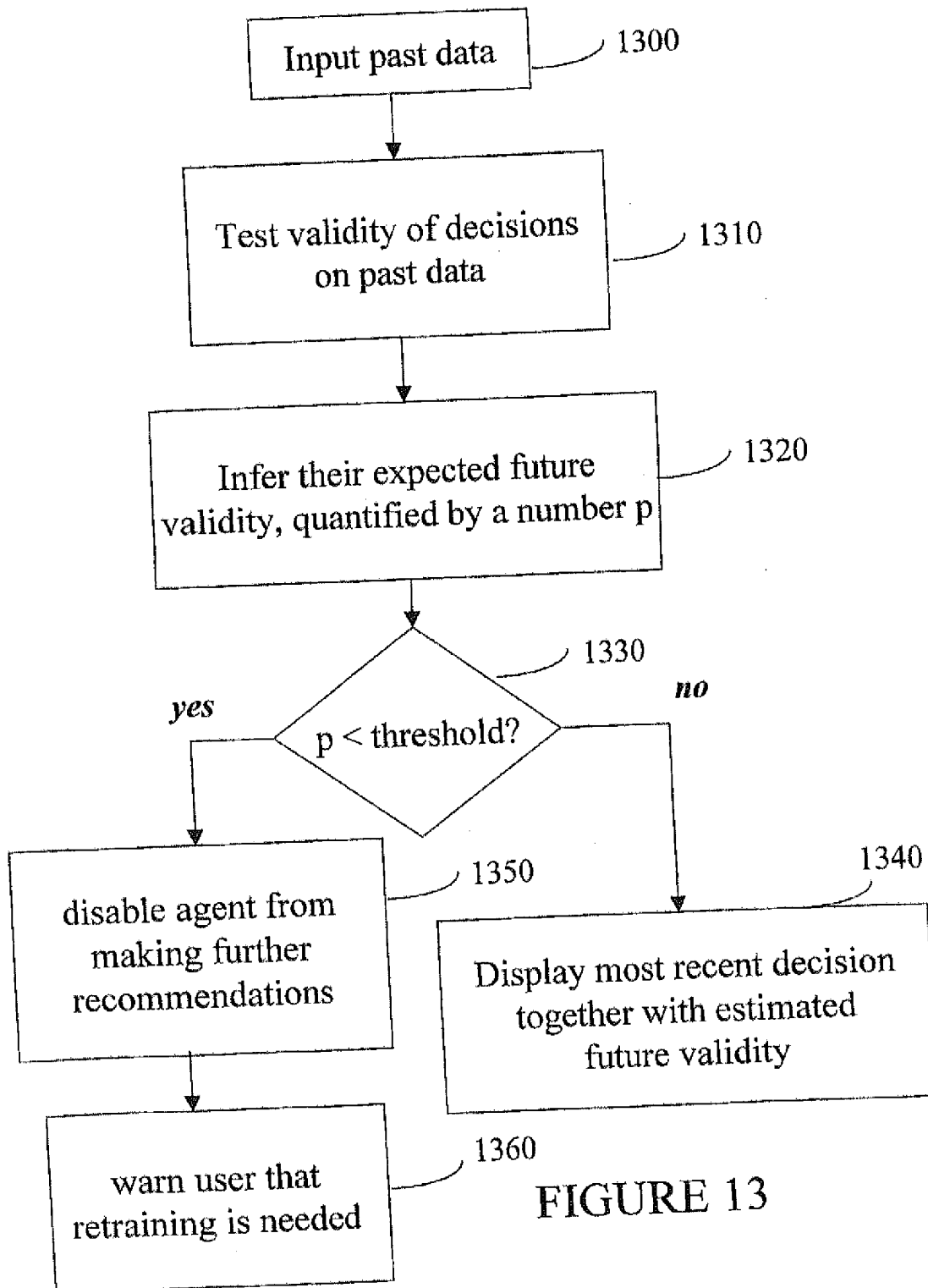


FIGURE 13